

## THE UNITED STATES OF AMERICA

<u>TO ALL TO WHOM THESE; PRESENTS; SHALL COME;</u>

# Kerry-Morse Seed Company

Wilhereas, there has been presented to the

#### Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED NOVEL VARIETY OF SEXUALLY REPRODUCED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF ACCURACE YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, IMPORTING IT, OR EXPORTING IT, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT TY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

BEAN

'Plateau Provider'

In Testimony Whereot, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington

this tenth day of August in the year of our Lord one thousand nine adved and seventy-eight

Allest.

Etmossicaer Plant Varioty Protoction Office Amir Minister

Agricultural Marketing Service

# UNITED STATES DEPARTMENT OF AGRICULTURE AGRICULTURAL MARKETING SERVICE GRAIN DIVISION HYATTSVILLE, MARYLAND 20782

FORM APPROVED OMB NO. 40-R3712

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

INSTRUCTIONS: See Reverse.	2. WIND HAVE		EOR OFFICE	AL USE ONLY		
1. VARIETY NAME OR TEMPORARY DESIGNATION	2. KIND NAME	ŀ				
Plateau Provider	Snap Bean		7700	TIME		
3. GENUS AND SPECIES NAME	4. FAMILY NAME (Bota	anical)	6-27-77	1,00 A.M.		
<u>Phaseolus</u> <u>vulgaris</u> L.	Leguminosae	<u></u>	FEE RECEIVED	BALANCE DUE		
	S. DATE OF DETERM	INATION	\$250.00	56-27-11		
	22 August 19	_	\$250.00 \$250.06	56-5-78		
6. NAME OF APPLICANT(S)		nd No. or R.F.D. No., C		8. TELEPHONE AREA CODE AND NUMBER		
FERRY-MORSE SEED COMPANY	111 FERRY-MORSE WAY					
Dr. George C. Emery,	P.O. Box 100 (41			(415)		
Breeder	Mountai	n View, Califo	rnia 94040	967-6973		
9. IF THE NAMED APPLICANT IS NOT A PER	SON, FORM OF	10. STATE OF INCOR	PORATION	11. DATE OF INCOR-		
ORGANIZATION: (Corporation, partnership, a	essociation, etc.)			7 April 1969		
Corporation		Californ				
12. Name and mailing address of applica	ant representative(s	), if any, to serve i	n this application a	nd receive all papers:		
Ma	r. D.V. Brondyk	ce, Executive $ackslash$	/ice President			
Fe	erry-Morse Seed	l Company				
13	11 Ferry-Morse	Way, P.O. Box	TOO			
Mo	ountain View, (	california 9404	+U			
		·				
13. CHECK BOX BELOW FOR EACH ATTACH	MENT SUBMITTED:					
X 13A. Exhibit A, Origin and Bree	ding History of the	Variety (See Sectio	n 52 of the Plant V	ariety Protection Act.)		
X 138. Exhibit B, Botanical Descri	ription of the Variet	· ·				
[X] 130. Exhibit C, Objective Descr	ription of the Variet	у				
_						
X 13D. Exhibit D, Data Indicative	of Novelty					
X 13E. Exhibit E, Statement of the	Basis of Applican	t's Ownership				
14A. Does the applicant(s) specify that	seed of this variet	y be sold by variety	name only as a cla	iss of certified seed?		
(See Section 83(a), (If "Yes," ans	swer 14B and 14C b	elow.)				
14B. Does the applicant(s) specify that	t this variety be	beyond breed		erations of production		
limited as to number of generation	YES NO	FOUNDATIO	N REGISTERE			
The applicant declares that a viable s	ample of basic seed	l of this variety wil	ll be deposited upon	request before issu-		
ance of a certificate and will be reple	enished periodically	in accordance with	i such regulations a	s may be applicable.		
The undersigned applicant(s) of this	s sexually-reproduce	ed novel plant varie	ty believes that the	variety is distinct,		
uniform, and stable as required in Section 41 and is entitled to protection under the provisions of Section 42 of the						
	Plant Variety Protection Act.					
Plant Variety Protection Act.				tau til		
	esentation herein c	an jeopardize prote	ction and result in a	senalties.		
Plant Variety Protection Act.	esentation herein c	an jeopardize prote	ction and result in			
Plant Variety Protection Act.	esentation herein c	an jeopardize prote	tion and result in	Lampany		
Plant Variety Protection Act.	esentation herein c	an jeopardize prote	Torse Led			
Plant Variety Protection Act.	esentation herein c	Ferry-A	Tons Sud I signature of Applic			

GENERAL: Send an original copy of the application, exhibits and \$250.00 fee to U.S. Dept. of Agriculture, Agricultural Marketing Service, Grain Division, 6525 Belcrest Road, Hyattsville, Maryland 20782. (See Section 180.175 of the regulations and rules of practice.) Retain one copy for your files. All items on the face of the form are self-explanatory unless noted below.

#### ITEM

ត្រូង តារ ក្នុងសេរប្ត⊟្

- Insert the date the applicant determined that he had a new variety based on the definition in Section 41 (a) of the Act and decision is made to increase the seed.
- 13a First, give the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method. Second, give the details of subsequent stages of selection and multiplication. Third, indicate the type and frequency of variants during reproduction and multiplication and state how these variants may be identified. Fourth, provide evidence on stability.
- 13b First, give any special characteristics of the seed and of the plant as it passes, through the seedling stage, flowering stage and the fruiting stage. Second, describe the mature plant and compare it with a similar commercial variety grown under the same conditions, and indicate the differ-
- 13c A supplemental form will be furnished by the PVPO to describe in detail a variety for each kind of seed.
- 13d Provide complete data indicative of novelty. Seed and plant specimens or photographs of seed and plant comparisons part sizes clearly indicating novelty may be submitted. Seeds submitted may be sterile.
  - 13e Indicate whether applicant is the actual breeder, the employer of the breeder, the owner through purchase or inheritance, etc.

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1 1 4 7 (1 B) 11

4 May 1977

VARIETY: Plateau Provider (formerly E4207 (formerly 1C-X303MsMs(W)B(C)6(W)A(C)Ms)).

EXHIBIT A: Origin and Breeding History of the Variety.

Plateau Provider was selected as a single plant selection, involving the pedigree method of breeding, from the cross,  $\underline{1C-X303}$ , made in 1967 between two  $F_1$  plants sharing the common parent,  $\underline{Provider}$ . The  $F_1$  seed parent came from a cross of  $\underline{Avalanche}$  (seed parent) x  $\underline{Provider}$  (pollen parent); the  $F_1$  pollen parent came from a cross of  $\underline{B3477-4(W)D1BMsMs(GH)Ms}$  (seed parent) x  $\underline{Provider}$  (pollen parent).

Seeds of the  $F_2$  and  $F_3$  generation of the <u>1C-X303</u> cross were bulk massed in the spring and summer of 1968. Eight  $F_3$  single plants were selected for their high productivity and straight pods in the field at Columbus, Wisconsin, in 1969. From the  $F_4$  progeny row of the <u>1C-X303MsMs(W)B</u> selection 8 single plants were selected in California in 1970. From the eight  $F_5$  progeny rows planted at Columbus, Wisconsin in 1971, the <u>1C-X303MsMs(W)B(C)6</u> row was rated the best for its 6-6&1/2" straight, smooth pods, erect branching bush habit, and having pods well distributed out from the center of the plant. Six  $F_6$  selections were taken from this row and  $F_7$  progeny rows were planted in both Wisconsin and California in 1972. Very little variation was noted between these  $F_7$  progeny rows. The decision was made to mass the seed of the <u>1C-X303MsMs(W)B(C)6(W)A</u> progeny row from both Wisconsin and California and to increase the line as a possible new white seeded Provider-type variety on August 22, 1972. It was given the experimental designation of <u>E4207</u>.

No segregation of off types was observed among 500  $F_8$  plants in a California increase made in 1973. Similarly, among 2500  $F_9$  plants grown in California in 1974 no off types were observed. Increase and testing of  $\underline{E4207}$  continued through 1975.  $\underline{E4207}$  was named  $\underline{P1ateau}$  Provider in the spring of 1976.

4 May 1977

VARIETY: Plateau Provider (formerly E4207 (formerly 1C-X303MsMs(W)B(C)6(W)A(C)Ms)).

EXHIBIT B: Botanical Description of the Variety.

Seed germination and emergence are rapid with moderately vigorous early seedling growth. Time of flowering is one to two days after <u>Provider</u>; similarly the pods reach their mature diameter one to two days after <u>Provider</u>. Seed and fiber development are moderately rapid but similar in rate to <u>Provider</u>.

Plants are determinate, bush, erect, medium tall (34vto 50 cm.) with a medium wide spread (26 to 51 cm.). The plant is similar to <u>Provider</u> in height and spread, but has a slightly darker foliage color. The leaves are deltoid ovate, acuminate, with rounded or truncate bases. Stems and leaves are slightly pubescent, less so than <u>Provider</u>. Inflorescences arise from apex and leaf axils and contain 3 to 6 white flowers. Pods are borne high, spread widely over the plant, yet only rarely touch the soil surface.

Pods are stringless, 14 to 17 cm. in length, round, 11 mm. in width (suture to suture), and 12 mm. in thickness. The pod spur is 13 to 15 mm. long. The pod surface is very smooth and only slightly pubescent. The pod color is a medium to medium dark green. Compared to <u>Provider</u>, the pods are slightly less creaseback, have a longer spur, have less pubescence, and are a darker green pod color.

Seeds are white, short oblong, and round in cross section. In comparison to the colored seed of <u>Provider</u>, seed of <u>Plateau Provider</u> are smaller in all dimensions.

FORM GR-470-12 (11-15-72)

UNITED STATES DEPARTMENT OF AGRICULTURE AGRICULTURAL MARKETING SERVICE

EXHIBIT C (Bean)

GRAIN DIVISION HYATTSVILLE, MARYLAND 20782

#### OBJECTIVE DESCRIPTION OF VARIETY

INSTRUCTIONS: See Reverse. BEAN (PHALEOLUS VULGARIS)

FOR OFFICIAL USE ONLY NAME OF APPLICANT(S) FERRY-MORSE SEED COMPANY PVPO NUMPTO0079 ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code) VARIETY NAME OR TEMPORARY DESIGNATION 111 FERRY-MORSE WAY P.O. BOX 100 MOUNTAIN VIEW, CALIFORNIA 94040 PLATEAU PROVIDER Place the appropriate number that describes the varietal character of this variety in the boxes below. Place a zero in first box (e.g. 0 8 9 or 0 9) when number is either 99 or less or 9 or less. 1. TYPE: 1 4 = MULTIPURPOSE 1 = SNAPBEAN 2 = GREEN SHELL 3 = DRY EDIBLE 2. SEASON AND REGION OF ADAPTABILITY IN THE U.S.: 2 1 = SPRING 2 = SUMMER 3 = FALL 4 = WINTER Grows best during: 4 = SOUTHEAST 1 = NORTHWEST 2 = NORTHCENTRAL 3 = NORTHEAST Best adapted in: 5 = SOUTHWEST 6 ≈ MOST REGIONS 3. MATURITY (Days from seeding to first harvest): 5 4 GREEN PODS GREEN SHELLS DRY SEEDS 0 0 NO. DAYS EARLIER THAN ------1 = TENDERCROP 2 = KENTUCKY WONDER 3 = KINGHORN WAY 6 = DWARF HORTI -4 = WHITE KIDNEY 5 = MICHELITE 62 0 5 CULTURAL NO. DAYS LATER THAN -----7 = BUSH BLUE LAKE 8 = OTHER (Specify) 4. PLANT: 1 = DETERMINATE, ERECT BUSH 2 = DETERMINATE, SPRAWLING BUSH 1 4 = INDETERMINATE, POLE 3 = DETERMINATE, SEMIPOLE 4 CM, HEIGHT OR LENGTH OF VINE FROM PRIMARY LEAF NODE CM. SPREAD 0 0 3 7 NUMBER PRIMARY BRANCHES PER MAIN STALK NUMBER INTERNODES ON MAIN STALK BETWEEN PRIMARY LEAF AND BASE OF 2 0 Branching habit: 1 = COMPACT 2 = OPEN TERMINAL INFLORESCENCE CM. LENGTH OF FIRST INTERNODE ABOVE PRIMARY LEAF 0 7 MM. STALK DIAMETER ABOVE FIRST TRIFOLIATE LEAF 1 Main stalk: 1 = BRITTLE 2 = WIREY 1. STOUT 3 Flower position: 1 = LOW, CONCENTRATED 2 = HIGH, CONCENTRATED 3 = SCATTEREDPod Position: 5. LEAVES: 2 1 = SMOOTH2 = WRINKLED 1 = DULL 2 = GLOSSY Thickness: 1 = THIN 2 = MEDIUM 3 = THICK CM. PETIOLE LENGTH 1 = SMALL (Earliwax) 3 = LARGE (Tendercrop) 8 2 ≈ MEDIUM (To basal leaflets of first trifoliate leaf) Tip shape of center leaflet: 1 = ROUNDED 2 = TAPER POINTED 3 = SHARP POINTED PUBESCENCE - Dorsal: 1 = NONE2 = SLIGHT3 = CONSIDERABLE PUBESCENCE - Ventral: Color: 1 = LIGHT GREEN (Bountiful) 2 = MEDIUM GREEN 3 = DARK GREEN (Bush Blue Lake)

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10. ANTHOCYANIN: (1 = Absent 2 = Present):	
1 FLOWERS 1 PODS	1 SEEDS 1 LEAVES
11. DISEASE RESISTANCE (0 = Not tested; 1 = Susceptible; 2 = Res	istant):
_	
0 RUST (Specify race)	0 ANGULAR LEAF SPOT
0 BACTERIAL WILT	2 COMMON BEAN MOSAIC
0 ANTHRACNOSE	O YELLOW BEAN MOSAIC
0 SOUTHERN BEAN MOSAIC	0 FUSARIUM ROOT ROT
O CURLY TOP	2 N.Y. 15 BEAN MOSAIC
0 POWDERY MILDEW	0 BEAN MOSAIC VIRUS 4
0 HALO BLIGHT	0 FUSCOUS BLIGHT
0 ALFALFA MOSAIC VIRUS	0 ALFALFA MOSAIC VIRUS 2
0 POD MOTTLE VIRUS	0 RED NODE VIRUS
0 ROOT KNOT NEMATODE	O OTHER (Specify)
12. INSECT RESISTANCE: (0 = Not tested; 1 = Susceptible; 2 = Resis	tant)
0 APHIDS	0 LEAF HOPPERS
0 POD BORER	0 LYGUS
0 THRIPS	0 WEAVILS
0 SEED CORN MAGGOT	OTHER (Specify)
13. PHYSIOLOGICAL RESISTANCE: (0 = Not tested; 1 = Susceptible; 2	= Resistant)
0 HEAT 0 COLD 0 DROUGH	7 OTHER (Specify)

REFERENCES: The following publications may be used as a reference in completing this form:

- Beans of New York. Vol. | Part II of Vegetables of New York. U.P. Hedrick et al. J. B. Lyon Company, Albany, N.Y. 1931.
- 2. Yarnell, S. H., Cyrogenetics of the Vegetable Crops IV. Legumes. Bot. Rev. 31:247 330. 1965.
- 3. USDA Yearbook of Agriculture. 1937.

COLOR: Nickerson's or any recognized color fan may be used to determine the colors.

VARIETY: Plateau Provider (formerly E4207 (formerly 1C-X303MsMs (W)B(C)6(W)A(C)Ms))

#### EXHIBIT D: Data Indicative of Novelty.

<u>Plateau Provider</u> most closely resembles the variety <u>White Seeded Provider</u>. It is distinct from White Seeded Provider by having a shorter seed length, wider pod width(between satures), longer pods, and flowers earlier.

	Plateau Provider	White Seeded Provider	<u>-</u> <u>d</u>	<u>s</u> d	<u>t</u>	<u>df</u>	P
Seed length (mm)	11.3	13.4	2.09	.09	23.09	299	<.001
*Pod Width (mm) (between sutures) (sieve-5 pods)	9.8	8.9	0.95	.086	11.01	94	<b>&lt;.</b> 001
*Pod length (cm) (sieve-5 pods)	13.2	12.6	0.61	.141	4.34	94	<.001
*Days to flower (Date of planting to date of lst open flower)	35.5	38.1	2.59	.413	6.27	36	<.001

<sup>\*-</sup>Measurements were obtained from a planting made January 28, 1978, in a greenhouse held at a minimum 68° Fahrenheit at Columbus, Wisconsin.

In addition Plateau Provider is distinct from White Seeded Provider by having a darker (brighter) pod color, slightly more curve to the pods, and its pods are less crease-back than White Seeded Provider.

4 May 1977

VARIETY: Plateau Provider (formerly E4207 (formerly 1C-X303MsMs(W)B(C)6(W)A(C)Ms)).

EXHIBIT D: Data Indicative of Novelty.

<u>Plateau Provider</u> most closely resembles the variety <u>White Seeded Provider</u>. It is distinct from <u>White Seeded Provider</u> by having a longer pod and a shorter pod spur.

	Plateau Provider	White Seeded Provider	<u>d</u>	_ <u>s</u> d
Pod length *	16.28 cm.	14.95 cm.	1.37	.23
Pod spur length *	13.80 mm.	15.80 mm.	2.00	.60

<sup>\* -</sup> measurements are based on ten paired comparisons.

Measurements were obtained from a planting made in February 2, 1976, in a greenhouse held at a minimum  $68^{\circ}$  Fahrenheit at Columbus, Wisconsin.

	EXHIBIT "E"
	Plant Variety Protection Application
	No:
ASSIGNMENT	,
I, DR. GEORGE C. EMERY	, agree and hereby
do transfer and assign to FERRY-MORSE S	EED COMPANY all of my rights,
title, and interest in and to that cert	ain variety namely,
SNAP BEAN - PLATEAU PROVIDER	•
for which application for Plant Variety	Protection Certificate has been
filed. This agreement shall be binding	
and assigns.	on my daministrations, buccessors
•	
In Witness Whereof, I have execu	ated this agreement this
In Witness Whereof, I have execu	, 19 <u>77</u> .
9	
	DDEEDED
_	BREEDER
J	enge E. Enery
DR	R. GEORGE C. EMERY

ASSIGNMENT OF INTELLECTUAL PROPERTY

WHEREAS, HARRIS MORAN SEED COMPANY, a corporation duly organized and

existing under the laws of the State of Maryland, having its principal place of business at 4511

Willow Road, Suite 3, Pleasanton, California 94588 ("Assignor"), has, pursuant to that certain

Bill of Sale and Assignment dated as of June 30, 1997, transferred to FERRY-MORSE SEED

COMPANY (CALIFORNIA), a corporation duly organized and existing under the laws of the

State of California, having its principal place of business at 555 Codoni Avenue, P.O. Box 4938,

Modesto, California 95352-4938 ("Assignee"), all of the intellectual property Assignor had

adopted, used and was using as of the effective date of this Assignment, including without

limitation, the intellectual property represented by the United States Plant Variety Protection

Certificates of Assignor identified on Schedule A hereto (collectively, the "Property"); and

WHEREAS, on the date hereof, Assignee has changed its name to "Harris Moran Seed

Company";

NOW, THEREFORE, effective by this instrument as of the close of business on

June 30, 1997, and for good and valuable consideration, receipt of which is hereby

acknowledged, Assignor hereby assigns to Assignee any and all right, title and interest

worldwide in and to the Property and any and all recordations thereof, including, but not limited

to, the use of the Property in any manner, all benefit of any and all prior use of the Property, and

any and all rights to initiate claims or proceedings for past, present or future infringements of

Assignor's rights, title and interest in and to the Property.

Dated: as of June 30, 1997

HARRIS MORAN SEED COMPANY

NEWY01A:171511:1:09/26/97 26757-1

VACCOIO

### CERTIFICATE OF AMENDMENT

#### OF THE

### ARTICLES OF INCORPORATION

ENDORSED FILED

In the office of the Secretary of State of the State of California

JUN 3 0 1997

OF

FERRY-MORSE SEED COMPANY (CALIFORNIA)
(a California corporation)

To the Secretary of State State of California

Pursuant to the provisions of the General Corporation Law of the State of California, the undersigned officers of FERRY-MORSE SEED COMPANY (CALIFORNIA), a California corporation (the "Corporation"), do hereby certify as follows:

- The name of the Corporation is Ferry-Morse Seed Company (California).
- 2. Article One of the Corporation's Articles of Incorporation, which relates to the name of the Corporation, is hereby amended in its entirety to read as follows:

One. The name of this Corporation is: HARRIS MORAN SEED COMPANY.

- 3. The amendment herein provided for has been approved by the Corporation's Board of Directors.
- 4. The amendment herein provided for was approved by the written consent of the Corporation's sole shareholder in accordance with the provisions of Section 902 of the California General Corporation Law. The total number of outstanding shares of the corporation is 5,000.

IN WITNESS WHEREOF, each of the undersigned does hereby declare under the penalty of perjury that he or she signed the foregoing Certificate of Amendment as of June 30,

1997, in the Town of Modesto, State of California, in the official capacity set forth beneath his or her signature and that the statements set forth in this certificate are true of his or her own knowledge.

Yves Queste, President

Helen Andritsakis, Secretary



SECRETARY OF STATE



I, BILL JONES, Secretary of State of the State of California, hereby certify:

That the attached transcript has been compared with the record on file in this office, of which it purports to be a copy, and that it is full, true and correct.

> IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this

> > JUN 3 0 1997



Billyones

Secretary of State